

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Elijah Silver

Docket No. 4:06-CR-57-1D

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Elijah Silver, who, upon an earlier plea of guilty to Distribution of More than 5 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on June 5, 2007, to the custody of the Bureau of Prisons for a term of 138 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Elijah Silver was released from custody on July 15, 2016, at which time the term of supervised release commenced.

On August 30, 2016, a Petition for Action was filed asking the court to hold a hearing to address a proposed modification of supervision related to a sex offender assessment. On October 3, 2016, the court held the hearing, and the court ordered the defendant to submit to a psycho-sexual evaluation by a qualified mental health professional.

On February 8, 2017, a Violation Report was filed advising the defendant was charged with Driving While License Revoked in Nash County, North Carolina. Based on the timely reporting of the charge and his previous compliance with supervision, the violation was held in abeyance.

On August 1, 2017, a Petition for Action was filed asking the court to hold a hearing to address a proposed modification of supervised release that would include short-term individual sessions aimed at increasing prosocial behavior and targeting Silver's dynamic risk factors, a sexual history polygraph to rule out any additional offending and other areas of sexual deviancy, and participation in a counseling program or a cognitive behavioral therapy program. On December 22, 2017, a hearing was held, and the court ordered the defendant to participate in a cognitive behavior therapy program.

On August 4, 2017, a Violation Report was filed advising the defendant was charged with the offense of Driving While Impaired and Speeding (17CR214469) and Driving While License Revoked and Reckless Driving (17CR743148) in Wake County. The court agreed to continue supervision pending disposition in Wake County District Court.

On May 11, 2018, a Petition for Action was filed advising the defendant received a citation for Driving While License Revoked Impaired Revocation and Failure to Stop at a Stop Sign (18CR701917) on April 27, 2018, in Edgecombe County, North Carolina. The court agreed to continue supervision, and the defendant was instructed not to operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law. As a sanction, Silver was ordered to adhere to a curfew with location monitoring for a period not to exceed 30 days. This case remains pending in Edgecombe County District Court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May, 21, 2018, the defendant pled guilty to Driving While Impaired-Level 2 (17CRS214469) in Wake County District Court. The additional charges of Speeding and Driving While License Revoked were dismissed. As a sanction, we are recommending the defendant be required to complete 24 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: June 8, 2018

ORDER OF THE COURT

Considered and ordered this 14 day of June, 2018, and ordered filed and made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge